

UNITED STATES DISTRICT COURT  
SOUTHERN DISTRICT OF NEW YORK

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BC MEDIA FUNDING COMPANY II and MEDIA	: <b>ECF CASE</b>
FUNDING COMPANY,	: 08-CV-06228 (RPP) (RLE)
	: <b>RESTATE</b>
Plaintiffs,	: <b>NOTICE OF MOTION</b>
-against-	: :
FRANK LAZAUSKAS, MICHAEL L. METTER,	: :
LEONARD F. MUSCATI and B. MICHAEL PISANI,	: :
Defendants.	: :
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PLEASE TAKE NOTICE that upon the moving papers filed in the New York State Supreme Court, New York County, prior to removal of this action, which motion papers are attached to the Declaration of Kara L. Gorycki dated July 15, 2008 as Exhibit 1 ("Gorycki Declaration"); the Statement of Material Facts on Motion for Summary Judgment pursuant to Rule 56.1 of the Local Civil Rules of the United States District Court for the Southern and Eastern Districts of New York; the Gorycki Declaration, and the exhibits annexed thereto; and for the reasons set forth in the Supplemental Memorandum of Law in Support of Plaintiffs' Motion for Summary Judgment, the undersigned counsel for Plaintiffs BC Media Funding Company II, LLC and Media Funding Company, LLC (collectively the "Plaintiffs") shall move this Court, before the Honorable Robert P. Patterson, Jr., at Courtroom 24A of the United States Courthouse, 500 Pearl Street, New York, New York, at a date and time to be determined by the Court, for an order pursuant to Section 3213 of the New York Civil Practice Law and Rules and Rule 56 of the Federal Rules of Civil Procedure, granting summary judgment in favor of Plaintiffs, and against each of the Defendants, jointly and severally, for the principal sum of \$5,418,763.15, with interest thereon,

and for such other and further relief as this Court deems just and proper.

Dated: New York, New York  
July 15, 2008

Respectfully Submitted,

WINSTON & STRAWN LLP

By: \_\_\_\_\_ /S/ \_\_\_\_\_

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